## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

HOWARD LAVELLE TATE	)	
#222618,	)	
	)	
Petitioner,	)	
	)	NO. 3:16-cv-00044
V.	)	JUDGE CRENSHAW
	)	
DEBRA JOHNSON,	)	
	)	
Respondent.		

## **ORDER**

The Court denied the Petition for the Writ of Habeas Corpus on July 5, 2016. (Doc. No. 27.) Petitioner has filed a timely notice of appeal. (Doc. No. 33.)

In its final Order, the Court denied a certificate of appealability ("COA") on any of Petitioner's claims. (Doc. No. 27.) Petitioner may, however, seek a COA directly from the United States Court of Appeals for the Sixth Circuit. Rule 11(a), Rules Gov'g § 2254 Cases.

Moreover, Petitioner has not submitted either the \$505 appellate filing fee or a motion or application to proceed on appeal *in forma pauperis*. Petitioner **MUST**, within **30 DAYS**, cure this deficiency by submitting to this Court either the \$505 fee or a completed and properly supported application to proceed *in forma pauperis*. In accordance with Rule 24(a)(1) of the Federal Rules of Appellate Procedure, Petitioner must attach to his application or motion an affidavit in which he claims an entitlement to redress and states the issues that he intends to present on appeal. Petitioner is cautioned that failure to submit the requisite filing fee or application within the 30 days allotted may result in summary dismissal of the appeal.

## IT IS SO ORDERED.

WAVERLYD. CRENSHAW, JR.

UNITED STATES DISTRICT JUDGE